

## **REMARKS**

Claims 1-29 and 36-41 are pending prior to entering this amendment. The Examiner rejected claims 1, 2, 7, 16-19, 26-29, and 36-41 under 35 U.S.C. 103(a) over Takahashi (U.S. Patent No. 5,583,662) in view of Kodaira (U.S. Patent No. 6,233,059). Applicant amends claims 1-10, 12-14, 16-20, 26-29, and 36-41. Claims 1-29 and 36-41 remain after entering this amendment. Applicant adds no new matter and respectfully requests reconsideration.

### **Allowable Subject-Matter**

Applicant thanks Examiner Worku for allowing claims 10-15 and 20-25. The Examiner objected to claims 3-6, 8, and 9, but indicated they would be allowable if rewritten into independent form, including all of the elements of the base claim and any intervening claims. Applicant thanks Examiner Worku for pointing out allowable subject matter. Applicant has amended claims 1, 7, 16, 26, 36, and 40 to include features generally similar to those the Examiner deemed allowable in claims 3-6, 8-15, and 20-25 to place the application in condition for allowance.

Although the applicants' attorney agrees with the Examiner's conclusion that these claims are allowable, the applicants' attorney notes that the claims may be allowable for reasons other than those identified by the Examiner and does not concede that the Examiner's characterizations of the terms of the claims and the prior art are correct.

### **Claim Rejections under 35 U.S.C. § 103**

The Examiner rejected claims 1, 2, 7, 16-19, 26-29, and 36-41 under 35 U.S.C. 103(a) as anticipated by Takahashi and Kodaira. Applicant respectfully traverses the Examiner's rejection.

*Claim 1 recites scanning a smooth image region that is separate from a document, and scanning a range of multiple original pixels, wherein one or more of the scanned original pixels correspond to the document.*

Applicant agrees with the Examiner that Takahashi does not teach the recited claim features. See, final Office Action, page 3. The Examiner alleges Kodaira's pre-scan of an original, such as film F, discloses the recited scanning a smooth image region,

and Kodaira's main scan of the original discloses the recited scanning a range of multiple original pixels, wherein one or more of the scanned original pixels correspond to the document. However, since Kodaira discloses scanning the same original in both its pre-scan and main scan, Kodaira does not teach or suggest *scanning a smooth image region that is separate from a document* as the claim recites. See, Kodaira, Figures 17B-17E, Figure 24, items S116 and S126, Figure 26, items S212 and S213c, where Kodaira discloses performing one or more pre-scans and a main scan of the same original. Furthermore, there is no disclosure in Kodaira of its original having *a generally uniform brightness* as recited in the claim. The combination of Takahashi and Kodaira therefore does not render claim 1, or its corresponding dependent claims, unpatentable. Claims 7, 16, 26, 36, and 40 includes feature generally similar to at least some of the features of claim 1 described above, and therefore these claims, and their corresponding dependent claims, are allowable for similar reasons.

Claim 1 further recites *determining a smooth brightness from the scanned smooth image region, wherein the smooth brightness corresponds to the generally uniform brightness of the smooth image region, and determining a brightness of at least one of the scanned original pixels corresponding to the document based; at least in part, on the smooth brightness.*

Applicant agrees with the Examiner that Takahashi does not teach the recited claim features. See, final Office Action, page 3. The Examiner argues Kodaira at col. 1, lines 39-62 discloses the recited claim features, particularly, that a computer calculates an average brightness of an original from the pre-scanned image, and then adjusts the "luminous quantity reaching a CCD sensor" for a subsequent main scan of the original.

As discussed above, there is no disclosure in Kodaira of the recited scanning a smooth image region separate from the document, as Kodaira discloses scanning the same original in both the pre-scan and the main scan. Thus, Kodaira does not teach or suggest the recited *determining a smooth brightness from the scanned smooth image region*. Furthermore, there is no disclosure in Kodaira of the recited determining a brightness of at least one of the scanned original pixels corresponding to the document based, at least in part, on the smooth brightness. See, Kodaira, col. 1, lines 39-62, where Kodaira teaches adjusting luminous quantity reaching a CCD sensor prior to performing

the main scan of the original, not determining a brightness of at least one of the scanned original pixels corresponding to the document. In other words, Kodaira calculation of the average brightness of the original and adjustment of its scanner 1 to allow more or less light reach the CCD sensor is performed prior to the main scan, and thus is distinctly different than the recited determining a brightness of at least one of the scanned original pixels corresponding to the document based, at least in part, on the smooth brightness. Since Kodaira does not teach or suggest determining both a smooth brightness from a scanned smooth image region and a brightness of at least one of the scanned original pixels corresponding to the document based, at least in part, on the smooth brightness determined from the scanned smooth image region, the combination of Takahashi and Kodaira therefore does not render claim 1, or its corresponding dependent claims, unpatentable. Claims 7, 16, 26, 36, and 40 include features generally similar to at least some of the features of claim 1 described above, and therefore these claims, and their corresponding dependent claims, are allowable for similar reasons.

Claim 7 recites *scanning a smooth image region ...to obtain a smooth image data and determining a brightness of scanned images obtained by scanning the document based, at least in part, on the smooth brightness, wherein the smooth image data is obtained after scanning the document.*

Applicant agrees with the Examiner that Takahashi does not teach the recited claim features. See, final Office Action, page 5. The Examiner alleges Kodaira discloses the recited claim features, but fails to specifically reference or cite a location in Kodaira that discloses the recited claim features.

According to the Examiner, the Kodaira's pre-scan discloses the recited scanning a smooth image region, and Kodaira's main scan discloses the recited scanning of the document. There is, however, no disclosure in Kodaira of performing the main scan before the pre-scan. See, Kodaira, col. 1, lines 39-62, where Kodaira discloses a scanner 1 that pre-scans an original and then adjusts its internal configuration (to modify the amount of light reaching its sensors) for a main scan of the original. Nothing in Takahashi cures this deficiency, as both the applicant and Examiner agree that Takahashi does not scan any smooth image region, much less scan the smooth image region after scanning the recited document. See, final Office Action, page 5, Office Action,

6/28/2007, page 4, lines 3-4, page 7, lines 14-15, page 9, lines 10-11, and page 11, lines 10-13. The combination of Takahashi and Kodaira therefore does not render claim 7, or its corresponding dependent claims, unpatentable. Claims 19, 29, and 39 include features generally similar to at least some of the features of claim 7 described above, and therefore these claims, and their corresponding dependent claims, are allowable for similar reasons.

### CONCLUSION

For the foregoing reasons, reconsideration and allowance of all claims of the application as amended is respectfully requested. The Examiner is encouraged to telephone the undersigned at (503) 224-2170 if it appears that an interview would be helpful in advancing the case.

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